IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 3504 OF 2004

M/s.Anmol Enterprises .. Petitioner.
v/s.
The Municipal Corporation
of Gr. Bombay & Ors. .. Respondents

Mr. Uday Warunjikar with Mr. Lonke for the petitioners.
Mr. Vinod Mahakik, for the respondents.

CORAM: S.U. KAMDAR, J.

(VACATION JUDGE)

DATE : 30TH DECEMBER, 2004.

P.C :

1. By consent of the parties the petition is taken up for hearing and final disposal.

2. The learned counsel for the Corporation tenders a note dated 30.12.2004 containing instructions which are given to the learned advocate by the

concerned officer. The learned counsel for the corporation on instructions contained in the said note makes a statement that if the petitioner files fresh application for licence under section 394 of the Maharashtra Municipal Corporation Act, 1988 for storing LPG cylinders, then the same will be considered on merits and appropriate decision will be taken within a period of three months from today. In view of the aforesaid statement it is clarified that the impugned order dated 18.12.2004 does not survive.

3. The learned counsel for the petitioner has filed an undertaking in this court dated 29.12.2004 inter-alia stating that till the application under section 394 is decided by the corporation they will not store the LPG cylinders in the said premises or in the truck in the surrounding areas. The said undertaking is accepted. In the light of statement made by the Corporation the learned counsel for the petitioner does not press the present petition. The petition is disposed of accordingly. There shall be no order as to costs.

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